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16
17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

19 CALIFORNIA COALITION FOR WOMEN
20 PRISONERS; et al.,

21 Plaintiffs,

22 v.

23 UNITED STATES OF AMERICA; UNITED
24 STATES OF AMERICA FEDERAL BUREAU OF
PRISONS, et al.,

25 Defendants.
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27
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Case No. 4:23-cv-04155

**DECLARATION OF ABDI
SOLTANI IN SUPPORT OF
MOTION TO INTERVENE FOR
LIMITED PURPOSE OF
UNSEALING COURT RECORDS
AND PROTECTING ACCESS TO
PUBLIC PROCEEDINGS**

Judge: Yvonne Gonzalez Rogers

Date: July 16, 2024

Time: 2:00 p.m.

Courtroom: 1 (Fourth Floor)

DECLARATION OF ABDI SOLTANI

I, Abdi Soltani, declare under penalty of perjury as prescribed in 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Executive Director of the American Civil Liberties Union of Northern California (“ACLU NorCal”). I have served in my current position as Executive Director since March 30, 2009.

2. The American Civil Liberties Union of Northern California (“ACLU NorCal”) is an affiliate of the national ACLU, a nonpartisan, nonprofit organization with approximately 1.1 million members dedicated to defending the guarantees of individual liberty secured by the state and federal Constitutions. Since its founding in 1920, the ACLU has been focused on protecting and expanding First Amendment rights, including the public’s right to access civil and criminal court proceedings. The ACLU and its affiliates have appeared as party and party counsel in several cases seeking access to court proceedings or government records, including *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement*, No. 222CV04760SBAFM, 2023 WL 8539484 (C.D. Cal. 2023) (access to government records); *ACLU of Southern California et al v. Harber-Pickens et al*, No. 120cv00889DADJLT (E.D. Cal 2020) (access to court proceedings), *ACLU Foundation v. U.S. Department of Justice*, 418 F.Supp.3d 466 (N.D. Cal. 2019) (access to government records); *ACLU of Northern California v. Department of Justice*, No. C044447PJH, 2005 WL 588354 (N.D. Cal. 2005) (access to government records).

3. ACLU NorCal also has a long and comprehensive history advocating on behalf of the public and its members through litigation (cases involving issues of rights of access to court and agency records, access to court hearings, and access to proceedings of state and local governments), legislative advocacy (sponsoring and supporting legislation to expand access to government records and public meetings, and limiting exemptions and privileges to public records), and public advocacy (op-eds and other articles, public speaking).

4. Since 2021, ACLU NorCal has been working closely with the Dublin Prison Solidarity Coalition (“Coalition”)—a collaborative alliance of individuals currently and formerly incarcerated at the Federal Correctional Institution, Dublin (FCI Dublin) and their supporters. ACLU NorCal participates in the Coalition to help amplify the voices of individuals formerly incarcerated at FCI

1 Dublin and who survived sexual assault while detained at the federal facility. ACLU NorCal's
2 involvement in the Coalition also includes participating in Coalition calls, strategizing on policy
3 advocacy campaigns, and meeting with government officials and the press to express concern over the
4 sexual abuse of incarcerated people by staff at FCI Dublin.

5 5. ACLU NorCal is also the co-signatory of at least three letters to government officials
6 regarding incarcerated people at FCI Dublin and the single signatory of a letter to the Federal Bureau of
7 Prisons ("BOP") on behalf of a sexual assault survivor who was formerly incarcerated at FCI Dublin.

8 6. On February 25, 2022, ACLU NorCal co-signed a letter to the U.S. Department of Justice
9 demanding that the federal agency take swift, sweeping action to address the institutional culture at FCI
10 Dublin that allowed staff to sexually abuse incarcerated people.

11 7. On December 7, 2022, ACLU NorCal wrote a letter to BOP on behalf of a sexual assault
12 survivor who was released from FCI Dublin on home confinement and who had spoken to a reporter
13 about the sexual abuse she endured at the facility. After a local news organization published her story,
14 BOP threatened to terminate her home confinement status if she spoke to the press again. BOP argued
15 that FCI Dublin's media policy—requiring approval from the facility before speaking with the media—
16 also applied to her even though she was on home confinement. In the letter, ACLU NorCal summarized
17 FCI Dublin's long history of horrific sexual abuse and the survivor's interest in continuing to share her
18 story with the media. ACLU NorCal also requested that BOP clarify its media policy so that people not
19 held in BOP institutions but who were released on home confinement could be permitted to speak freely
20 with the press.

21 8. On February 15, 2023, ACLU NorCal co-signed a letter to federal immigration officials in
22 support of noncitizen survivors and witnesses of staff abuse at FCI Dublin. The letter was co-signed by
23 over 120 organizations and requested that federal immigration officials safeguard the sexual abuse
24 survivors from deportation.

25 9. On February 23, 2023, ACLU NorCal co-signed a letter to FCI Dublin and BOP raising
26 concerns over the unconstitutional conditions of and rampant sexual assault at FCI Dublin. The letter
27 was written on behalf of the California Coalition for Women Prisoners and multiple individuals
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1 incarcerated at FCI Dublin who were subject to sexual harassment, abuse, retaliation, and related
2 misconduct due to BOP's failures to protect the people in its care.

3 10. Given ACLU NorCal's advocacy on behalf of individuals incarcerated at FCI Dublin and its
4 longstanding interest in access to court records and court proceedings, ACLU NorCal seeks to intervene
5 in California Coalition for Women Prisoners, et al. v. U.S. Bureau of Prisons, No. 23-cv-04155-YGR
6 (N.D. Cal.) to protect its significant interests and those of its members to access court records and court
7 proceedings.

8 11. ACLU NorCal remains committed to advocating on behalf of and supporting individuals
9 formerly incarcerated at FCI Dublin, including by helping hold government officials accountable.
10 ACLU NorCal also believes that true accountability requires transparency about the conditions at FCI
11 Dublin, the events and government decisions that led to the facility's closure, and whether the federal
12 government has taken any steps to prevent similar situations in the future.

13 12. To inform its ongoing and future advocacy, ACLU NorCal has an interest in the information
14 contained in the many sealed motions and sealed documents, as well as information revealed in court
15 hearings. Without it, ACLU NorCal and the public lack crucial insights into the systemic problems that
16 plagued FCI Dublin and may plague other federal facilities.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on May 31, 2024, in San Francisco, California.

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Abdi Soltani, Executive Director
ACLU of Northern California
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